

FILED

SEP 17 2020

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS

MICHELLE S. MARTINEZ, CLERK OF COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KINGS

DEPUTY

**GENERAL ORDER RE: IMPLEMENTATION OF EMERGENCY RELIEF AUTHORIZED
BY THE CHAIR OF THE JUDICIAL COUNCIL EMERGENCY ORDER OF
SEPTEMBER 16TH, 2020**

WHEREAS the World Health Organization, The United States Centers for Disease Control and Prevention and the State of California Department of Public Health have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus.

WHEREAS as of September 17th, 2020, the World Health Organization has reported 29,737,453 confirmed cases of COVID-19 worldwide with 937,391 deaths caused by the virus.

WHEREAS as of September 17th, 2020 the Center for Disease Control has reported 6,571,867 confirmed cases of COVID-19 in 50 states and 4 territories of the United States of America, 195,053 of which have resulted in deaths.

WHEREAS as of September 17th, 2020 the California Department of Public Health has reported 762,963 confirmed cases of the COVID-19 virus in the state of California causing 14,615 deaths.

1 **WHEREAS** as of September 17th , 2020 the Kings County Department of Public Health
2 has reported 3,912 confirmed cases of the COVID-19 virus in the community with an
3 additional 3,074 cases in the State Prisons and 172 cases in the skilled nursing facilities
4 located in Kings County for a total of 7,158 positive COVID-19 cases in Kings County
5 causing 77 deaths.
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7 **WHEREAS** the World Health organization, the Center for Disease Control ,California
8 Department of Public Health and the Kings County Department of Public Health have all
9 recommended social distancing practices of staying at least six feet apart and the
10 prohibition of gathering in groups as the best method to prevent the contraction and spread
11 of the COVID-19 virus.
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14 **WHEREAS** on March 4, 2020 California Governor Gavin Newsom declared a state of
15 emergency in California because of the COVID-19 virus.
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18 **WHEREAS** on March 13, 2020 The President of the United States declared a national
19 emergency because of the COVID-19 virus.
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21 **WHEREAS** on March 19, 2020 Governor Newsom issued Executive Order N-33-20,
22 requiring all residents of the State of California to stay home and shelter in place.
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25 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and
26 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state-wide
27 order recognizing the Courts in the State of California are ill –equipped to effectively allow
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1 social distancing and other recommendations by public health experts required to protect
2 people involved in court proceedings and to prevent the spread of the COVID-19 virus.
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4 **WHEREAS** on March 23, 2020 the Chief Justice of the California Supreme Court and
5 Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state wide
6 order suspending all jury trials for 60 days from the date of her order and the time period
7 for bringing a case to jury trial for 60 days from the date her order..
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10 **WHEREAS** on March 27, 2020 Governor Newsom issued executive order N-38-20
11 suspending all legal authorities that impede the use of technology in court proceedings and
12 authorized the Chair of the Judicial Council to extend deadlines for certain court
13 proceedings until 90 days after the state of emergency related to COVID-19 is lifted.
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15 **WHEREAS** in order to protect the health and safety of the public, court employees,
16 attorney's, litigants, judicial officers, law enforcement officers and the staff and inmates in
17 detention facilities, on March 30, 2020 the Chief Justice of the California Supreme Court
18 and Chair of the Judicial Council, the Honorable Tani G. Cantil-Sakauye, issued a state
19 wide emergency order authorizing trial courts to make orders extending deadlines for
20 certain court proceedings and for the use of technology to conduct legal proceedings.
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24 **WHEREAS** On March 18th, April 14th, June 15th, July 14th, August 17th, and September 16th
25 2020 The Honorable Tani G. Cantil-Sakauye, Chief Justice of the California Supreme
26 Court and Chair of the Judicial Council determined that the conditions described in
27 Government Code section 68115(a) continue to exist in Kings County and therefore she
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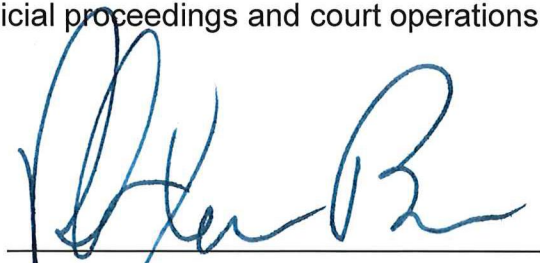
1 authorized this Court to issue an implementation order extending the deadline for jury
2 trials.

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4 **WHEREAS** after balancing the Constitutional due process rights of parties in criminal and
5 civil cases with the health and safety of these parties, the public, court staff, judicial
6 officers, attorneys, witnesses, jurors, law enforcement officers, deputy Sheriffs, probation
7 officers and other persons present during court proceedings;
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10 **IT IS HEREBY ORDERED THAT:**

- 11 1. The time period provided in Penal Code section 1382 for the holding of a
12 criminal trial is extended by no more than 30 days from the last date on which
13 the statutory deadline otherwise would have expired. This order is applicable
14 only to cases in which the original or previously extended statutory deadline
15 otherwise would expire from September 21,2020, to October 21,2020, inclusive
16 (Gov. Code section 68115(a)(10); Executive Order N-38-20 (03-27-2020).
17 2. These extensions are in addition to any relief provided pursuant to any specific
18 emergency order issued under a subdivision of Government Code section 68115
19 related to any other extension or form of relief.
20 3. The Kings County Superior Court is to make use of available technology, when
21 possible, to conduct judicial proceedings and court operations remotely.
22 4. Any statute, local rule or California Rule of Court which would prevent the court
23 from using technology to conduct judicial proceedings and court operations
24 remotely are suspended.

25 Dated: 09/17/, 2020



26 Robert Shane Burns, Presiding Judge
27 Kings County Superior Court
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